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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 DAN BOBBA and CHRIS RHODES, individually,
13 and on behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 MAGNA, INC.; STEVE MOIDEL; NEP
17 PRODUCTS, INC.; ARAGON PRODUCTS;
18 ALLNUTRI.COM; VITASPRINGS.COM;
19 1BODY4U.COM; BUYVIVAXA.NET;
MAGNARSPILLS.COM; and DOES 1-250,
Inclusive,

Defendants.

Case No. CV 10 1601 EDL

**NOTICE OF THE VIDEOTAPED
DEPOSITION OF DAN BOBBA**

20 **NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS**
21 **AT DEPOSITION**

22 TO: PLAINTIFF AND HER/HIS ATTORNEY OF RECORD:

23 NOTICE IS HEREBY GIVEN that Defendants Magna-RX, Inc. and Steve Moidel will take
24 the deposition of Plaintiff Dan Bobba on August 26, 2010 at 10:00 a.m., at the offices of West Coast
25 Reporters, located at 117 Paul Drive, Ste. A, San Rafeal, California 94903, (415) 472-2361.

26 Said oral deposition shall be taken before a duly authorized notary public or other officer
27 authorized to administer oaths in the state of California, and shall continue from day to day,
28 excluding Saturdays, Sundays and holidays, until completed.

1 Please note that the deposition will commence promptly at the scheduled time. Should
2 preparation of the deponent be necessary this shall be done PRIOR to the time scheduled for the
3 deposition. It is the responsibility of Defendants' counsel to notify the Plaintiff of the date, time and
4 location of the deposition.

5 This deposition will also be video recorded as provided by Rule 30(b)(3), Federal Rules of
6 Civil Procedure.

7 NOTICE IS FURTHER GIVEN that the deponent is required to produce at the time and place
8 set forth above, the writings, records, documents and other items listed in **Exhibit "A"** which is
9 attached hereto.

10 **IF AN INTERPRETER IS REQUIRED TO TRANSLATE TESTIMONY, NOTICE OF**
11 **SAME MUST BE GIVEN WITHIN TEN (10) DAYS BEFORE DEPOSITION DATE AND**
12 **NOTICE OF THE SPECIFIC LANGUAGE AND/OR DIALECT NECESSARY TO**
13 **CONDUCT THE TRANSLATION MUST BE GIVEN.**

14 DATED this 5th day of August, 2010.

15 AIKEN SCHENK HAWKINS & RICCIARDI P.C.

16 By /s/Joseph A. Schenk

17 Joseph A. Schenk

18 André H. Merrett

19 4742 North 24th Street, Suite 100

20 Phoenix, Arizona 85016

21 Attorneys for Defendants Magna-RX, Inc. and
22 Steve Moidel

23 VARNER & BRANDT LLP

24 **Keith A. Kelly**

25 Attorneys for Magna-RX, Inc. and
26 Steve Moidel

FELIPE MORALES v. MAGNA, INC., et al.

Case No. CV10 1601 EDL

CERTIFICATE OF SERVICE

I am employed in Maricopa County, State of Arizona; I am over the age of 18 years and not a party to the within action; my business address is 4742 N. 24th Street, Suite 100, Phoenix, Arizona 85016.

On the below date, I electronically filed the NOTICE OF THE VIDEOTAPED DEPOSITION OF DAN BOBBA with the Clerk of the United States District Court for the Southern District of California, using the CM/ECF System. The Court's CM/ECF System will send an email notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:

Scott J. Ferrell
Michael Velarde
Newport Trial Group
Newport Center Drive, Suite 700
Newport Beach, CA 92660
Attorneys for Plaintiff
sferrell@calljensen.com

BY ELECTRONIC SERVICE VIA CM/ECF SYSTEM

In accordance with the electronic filing procedures of this Court, service has been effected on the aforesaid party(s) below, whose counsel of record is a registered participant of CM/ECF, via electronic service through the CM/ECF System.

[X] (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on 5th day of August, 2010 at Phoenix, Arizona.

/s/ Lynn M. Acosta
Lynn M. Acosta

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EXHIBIT "A"

You are further notified that the deponent, who is a party to this action, is required to produce for inspection and copying the following documents and items at said deposition:

1. All documents or items of physical evidence either generated or received by Plaintiff in connection with each transaction in which he purchased Magna RX+, including order forms, receipts, invoices, product packaging, or product inserts.
2. Copies or print outs of all advertisements for Magna RX+ viewed and relied upon by Plaintiff prior to his first purchase of Magna RX+.
3. All communications, whether written or electronic, either sent or received by Plaintiff which refer or relate to Magna RX+ or Magna-RX, Inc.
4. Any communications between Plaintiff and any other party (other than Plaintiff's counsel) referring or relating to the subject matter of this lawsuit.
5. A list of any other lawsuits to which the Plaintiff has been a party.